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TO: Audrey Y. Chang / Examining Group 2872 DATE: 2/25/2004

FROM: DeWitt M. Morgan FAX NUMBER: 703-872-9306

TOTAL NUMBER OF PAGES: (includes cover page)

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C/M 08479-48632 39460

RE: Application Serial No 10/186584

Attached are:

- (1) Notification of Filing of Continuing Divisional or Continued Prosecution Application; and
- (2) Conditional Petition and Fee for Extension of Time in Parent Case that is to Be Abandoned When Filing New Application Claiming its Benefit..

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PATENT

Practitioner's Docket No. 08479-39460

FEB 25 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: James Britton Zabka

Application No.: 09/823,408

Group No.: 2872

Filed: March 30, 2001

Examiner: CHANG, Audrey Y

For: METHODS AND APPARATUS FOR PRODUCING SIMULTANEOUS AND NEAR REAL TIME HOLOGRAPHIC IMAGERY

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

NOTIFICATION OF FILING OF CONTINUING,
DIVISIONAL OR CONTINUED PROSECUTION APPLICATION

Notification is hereby being made of the filing of a continuation-in-part application for this case concurrently herewith. It remains Applicant's position that the prior art relied on by the Examiner is not relevant to the claimed inventions and that the rejections and objections are without substantial merit.

Date: 02/25/04DeWitt M. Morgan

DeWitt M. Morgan

Registration No. 26488

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CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

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☒ facsimile transmitted to the Patent and Trademark Office, (703) 872-4306Date: 2/25/2004Dinah Hooke
Signature of Dinah Hooke

Practitioner's Docket No. 08479-39460

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: J. Britton Zabka

Application No.: 09/982,408

Group No.: 2872

Filed: March 30, 2001

Examiner: CHANG, Audrey Y

For: METHODS AND APPARATUS FOR PRODUCING SIMULTANEOUS AND NEAR REAL TIME HOLOGRAPHIC IMAGERY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450CONDITIONAL PETITION AND FEE FOR EXTENSION OF TIME
IN PARENT CASE THAT IS TO BE ABANDONED
WHEN FILING NEW APPLICATION CLAIMING ITS BENEFIT

1. This conditional petition is being filed along with the separately filed continuation-in-part (C-I-P) application and provides for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time. Applicant filed a Notice of Appeal (with payment of the required fee) on 12/19/2003. 37 C.F.R. 1.192 provides that "Appellant must, within two months from the date of the notice of appeal under §1.191 or within the time allowed for reply to the action from which the appeal was taken, if such time is later, file a brief in triplicate." As the Office Action on which the Notice of Appeal is based in dated 09/25/2003, the appeal brief must be filed no later than 03/25/2004. Beyond the fee which accompanied the Notice of Appeal, Applicant is aware of no additional fee related to the time of filing an appeal brief or filing a continuing application. However, if any extension of time is required, applicant requests that this be considered a petition therefor.

A copy of this petition is being filed with the papers constituting the filing of the separately filed application.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

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Date: 2/25/2004Signature Dinah HookeDinah Hooke
(type or print name of person certifying)

2. Status

This application is on behalf of a small entity.

The statement is already filed in parent application. This status is still proper and its benefit under 37 CFR 1.28(a) is hereby claimed.

3. Authorization for payment of fees

The Commissioner is authorized to charge any fees under 37 C.F.R. § 1.17 (a) to (d) that may be required by this Conditional Petition to Deposit Account No. 18-1754.

A duplicate of this Conditional Petition is attached.

Date: 02/25/04

DeWitt M. Morgan

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